

REMARKS

In the Office Action dated June 19, 2008,

- The Drawings were objected to;
- Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph;
- Claims 1-6 were rejected under 35 U.S.C. §102(b) as being anticipated by German Patent No. DE 2,530,312 (Hartwig);
- Claims 1-2 were rejected under 35 U.S.C. §102(b) as being anticipated by Japan Patent No. 11-345,732 (Okuda et al); and
- Claims 3-6 were rejected under 35 U.S.C. §103(a) as being obvious over Okuda et al. in view of Hartwig.

I. Cited Prior Art

MPEP 706.02 supports the use of Foreign language documents in support of a rejection. However, MPEP 706.02 II specifically recites “It is not uncommon for a full text document to reveal that the document fully anticipates an invention...” and continues “[t]he converse may also be true, that the full text document will include teachings away from the invention that will preclude an obviousness rejection”. MPEP 706.02 II further recites “[b]ecause all patentability determinations are fact dependent, obtaining and considering full text documents at the earliest practicable time in the examination process will yield the fullest available set of facts upon which to determine patentability.”

In light of these statements, applicant traverses the rejection, as applicant cannot confirm or deny the Examiner’s reasoning without a translation of the documents. Applicant hereby requests a full text translation of the two cited references (i.e., Hartwig and Okuda et al.) such that the full text may be analyzed and an accurate determination of the teachings of both

references may be made. Relying solely on the figures to teach the presently claimed invention, as is done by the Examiner, is not sufficient as functional limitations are included in the claims (e.g., “a pressure head mounted on a support around which the pressure head pivots”, claim 1, lines 3-4) that cannot be determined from an examination of the prior art figures, but rather from an examination of the entire text of the prior art. This is evidenced by the fact that the examiner did not address these functional limitations in the rejections, but rather omitted the functional steps and rejected only the structural components.

II. Period For Response

Applicant further requests the period for replying to the office action dated June 19, 2008 be reset to the date on which the Examiner replies to this response. As required by MPEP 710.06, the Office Action dated June 19, 2008 contains some error or omission that affects applicant's ability to reply to the Office Action. Additionally, as required by MPEP 710.06, applicant is calling this omission to the attention of the Office within one month of the mail date of the Office Action. As such, the Office is respectfully requested to restart the previously set period for reply.

CONCLUSION

Applicants respectfully request a translations of the cited prior art, as well as a resetting of the reply period. If the Examiner believes that personal communication will expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge any additional fees which may be required for this submission, or credit any overpayment, to Deposit Account No. 50-0436.

Respectfully submitted,

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